

# **CITY COUNCIL AGENDA**

**MARCH 19, 2002**

## **SYNOPSIS**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
GEORGE SHIRAKAWA, JR.  
DAVID D. CORTESE  
JOHN DIQUISTO  
PAT DANDO

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

- **Call to Order and Roll Call**  
**9:05 a.m. - Closed Session, Room 600, City Hall**  
**Absent: Council Members – None.**  
  
**1:33 p.m. - Regular Session, Council Chambers, City Hall**  
**Absent: Council Members – None.**  
  
**7:00 p.m. - Public Hearings, Council Chambers, City Hall**  
**Absent: Council Members – None.**
- **Invocation (District 3)**  
**The Reverend James Crawford, San José First United Methodist Church,**  
**delivered the invocation.**
- **Pledge of Allegiance**  
**Mayor Gonzales led in the Pledge of Allegiance.**
- **Orders of the Day**  
**Approved.**

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation of a commendation to Chris Matión, National Champion amateur female boxer and honor roll student at Yerba Buena High School. (Reed)  
**This Item Heard in the Evening.**  
**Deferred to 04/02/02.**
- 1.2 Recognition of San José Grail Development Corporation for all their work on the Eastside. (Campos)  
(Rules Committee referral 3/13/02)  
**This Item Heard in the Evening.**  
**Joining Mayor Gonzales at the Podium, Council Member Campos introduced Veronica Goei, Executive Director of San Jose Grail Development Corporation, and Mayor Gonzales presented a commendation to the honoree in recognition of the corporation's outstanding commitment to the people of East San Jose. Ms. Goei introduced nine members of the Board of Directors and Staff of the San José Grail Development Corporation and asked them to stand to be recognized.**

# 1 CEREMONIAL ITEMS

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- 1.3 Introduction of and special welcome extended to Mrs. Miki Nishioka-City of Okayama Exchange Professional, visiting San José to study Domestic Abuse and Trouble Youth programs, which programs are not provided in Okayama, extensively, as in the United States of America. Joining Mrs. Nishioka were Dennis King-President of Pacific Neighborhoods, Mrs. May Novak-President of the San José-Okayama Sister City Committee, and Rudy Navarro-City of San José's Sister City Liaison. The special guest was asked to stand to be recognized.
- 1.4 The City Council and Mayor Gonzales joined Council Member Dando in a special welcome to Boys Scout Troop 290 and Scout Leader Theresa Powell, Bret Hart Middle School. The guests were asked to stand to be recognized.

# 2 CONSENT CALENDAR

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## 2.1 Approval of Minutes.

**Recommendation:** Approval of City Council Minutes for:

- (a) Regular meeting of September 18, 2001  
**Approved.**
- (b) Joint City Council/Redevelopment Agency Board meeting of September 18, 2001  
**Approved.**
- (c) Adjourned Regular meeting of September 20, 2001-  
Discussion of the Recycle Plus Program  
**Approved.**

## 2.2 Final adoption of ordinances.

**None.**

## 2.3 Approval to extend a lease agreement with Mexicana Airlines.

**Recommendation:** Approval of the sixth amendment to the Operating Agreement and Terminal Building Lease with Compania Mexicana de Aviacion, S. A. de C.V. (Mexicana Airlines) to extend the term for five years and ten months from February 1, 2002 through November 30, 2007, and to add approximately 201 square feet of operations space, with projected total annual revenue to the City of \$242,000. CEQA: Resolution No. 67380. (Airport)  
**Approved.**

## **2 CONSENT CALENDAR**

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### **2.4 Approval of actions relating to 2002-03 General Aviation fees, rates, and charges.**

**Recommendation:** Adoption of a resolution establishing 2002-03 General Aviation fees, rates, and charges for City managed aircraft tie-down parking and hangar space at Norman Y. Mineta San José International Airport and repealing Resolution No. 68980.1. (Airport)

**Resolution No. 70866 adopted.**

### **2.5 Approval of various fiscal actions for Redevelopment Agency Capital Projects.**

**Recommendation:**

- (a) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Monterey/South First Street Tree Planting Project with a net impact to the fund of \$27,900.

**Ordinance No. 26584 adopted.**

**Resolution No. 70867 adopted.**

- (b) Adoption of a resolution making certain determinations regarding the related expenditure of the Redevelopment Agency funds on certain public improvements in connection with the Monterey/South First Street Tree Planting Project, as more specifically described in the memorandum from the Redevelopment Agency dated October 10, 2001.

(City Manager's Office)

**Resolution No. 70868 adopted.**

### **2.6 Approval to increase the Library Department's grant appropriation.**

**Recommendation:** Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund increasing the Library grants appropriation to the Library Department by \$95,905. (City Manager's Office)

**Ordinance No. 26585 adopted.**

**Resolution No. 70869 adopted.**

## 2 CONSENT CALENDAR

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### 2.7 Approval of an agreement for janitorial services at the Water Pollution Control Plant.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services:

- (a) To negotiate and execute a one-year agreement for janitorial services at the Water Pollution Control Plant with Acme Building Maintenance Company, Alviso CA, for annual scheduled services in the amount of \$113,687.04, and \$31,312.96 in supplemental funds, for unanticipated services and future facilities requiring on-going maintenance for a total first year cost not to exceed \$145,000; and
- (b) To exercise four one-year options for the renewal with an adjusted rate of compensation based on the Consumer Price Index not to exceed 7% per year, with no further City Council action other than the appropriation of funding.

(General Services)

**Resolution No. 70870 adopted.**

### 2.8 Approval of an agreement for security equipment at the Airport.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to negotiate and execute an agreement with the American Association of Airport Executives, Inc. for the acquisition of a turnkey, interactive computer based Airport security and safety training video system consisting of 6 workstations and 2 programs for airport security and 2 programs for airport safety, for a total cost of \$311,000, including tax, installation, training, and maintenance. (General Services/Airport)

**Resolution No. 70871 adopted.**

### 2.9 Approval to issue an amendment to an Open Purchase Order for turnouts (fire retardant coats) for the Fire Department.

**Recommendation:** Authorization for the Director of General Services to issue an amendment to Open Purchase Order Number 28101 to L.N. Curtis for turnouts (fire retardant coats) for the Fire Department, extending the expiration date to March 31, 2002, and increasing the amount of funds by \$152,000, from \$168,752.15 to a total amount not to exceed \$320,752.15. (General Services/Fire)

**Approved.**

**Council directed the Administration to apply for the FEMA grant to cover the second set of new fire retardant overcoats for each Firefighter, and to develop options for an alternate plan and the timeline for ordering the coats, less than the two-year timeframe, and associated costs to acquire the garments, in the event the FEMA grant is not approved; and return to Council by July 2002 with a report (a) on the progress of the FEMA grants, (b) an explanation for purchasing the goods through specific companies, and (c) the number of Fire Stations in the City that are equipped with turnout racks.**

## 2 CONSENT CALENDAR

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### 2.10 Approval to submit a grant application for the Upper Guadalupe River Trail bridge.

**Recommendation:** Adoption of a resolution:

- (a) Approving the submittal of a grant application for \$850,000 to fund the preliminary design, the preparation of plans and specifications and the environmental review associated with the construction of a trail bridge over the Upper Guadalupe River from the Local Grant Projects under the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Act of 2000.
- (b) Authorizing the City Manager to negotiate and execute all documents relating to the grant application and funding agreement for this preliminary work.

CEQA: Exempt, PP 02-03-043. Council District 10.

(Parks, Recreation and Neighborhood Services)

**Resolution No. 70872 adopted.**

### 2.11 Approval to submit a grant application for Happy Hollow Park and Zoo.

**Recommendation:** Adoption of a resolution:

- (a) Approving the submittal of a grant application to the Dr. Paul Chaffee Zoological Program under the California Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 for various improvements and renovations at Happy Hollow Park and Zoo; and
- (b) Authorizing the City Manager to negotiate and execute all documents relating to the grant funding agreement.

Council District 7. SNI: Tully/Senter. (Parks, Recreation and Neighborhood Services)

**Resolution No. 70873 adopted.**

### 2.12 Approval to determine that public use and necessity require the acquisition of certain properties and directing the filing of eminent domain actions.

**Recommendation:**

- (a) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of a certain property owned by Montague LLC, located at 2880 Junction Avenue and a temporary 12-month construction easement on an adjacent portion of said property, and directing the City Attorney to file an eminent domain action for acquisition of these property interests.

CEQA: Resolution No. 66985. Council District 4. (Public Works)

**Resolution No. 70874 adopted.**

*This item continued on the next page.*

## **2 CONSENT CALENDAR**

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### **2.12 Approval to determine that public use and necessity require the acquisition of certain properties and directing the filing of eminent domain actions. (Cont'd.)**

#### **Recommendation:**

- (b) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of a certain property owned by Montague LLC, located at 3050 Zanker Road and a temporary 12-month construction easement on an adjacent portion of said property, and directing the City Attorney to file an eminent domain action for acquisition of these property interests.

CEQA: Resolution No. 66985. Council District 4. (Public Works)

**Resolution No. 70875 adopted.**

- (c) Adoption of a resolution determining that public use and necessity require the acquisition of a portion of property owned by Realtec Properties I, L.P., located at 3091 North First Street, together with a temporary 12-month construction easement on an adjacent portion of said property, and directing the City Attorney to file an eminent domain action to acquire these properties.

CEQA: Resolution No. 66985. Council District 4. (Public Works)

[Deferred from 3/12/02 – Items 2.8(b), (c), (d)]

**Resolution No. 70876 adopted.**

**END OF CONSENT CALENDAR**

## **3 STRATEGIC SUPPORT SERVICES**

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### **3.1 Report of the Study Session – September 20, 2001**

**Mayor Gonzales, Chair**

- (a) Recycle Plus! Program Transition

**This Item renumbered to Item 2.1(c)**

## **3 STRATEGIC SUPPORT SERVICES**

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### **3.2 Report of the Rules Committee – March 6, 2002**

**Vice Mayor Shirakawa, Jr., Chair**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting  
**The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.**



### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – March 6, 2002 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

- (b) City Council
  - (1) Review March 19, 2002 Draft Agenda  
**The Committee approved the March 19, 2002 City Council Agenda with one addition.**
  - (2) Add New Items to March 12, 2002 Amended Agenda  
**The Committee added four items to the March 12, 2002 City Council Agenda.**
- (c) City Council Committees
  - (1) Amendments to Council Committee Agendas
    - (a) Finance and Infrastructure Committee
    - (b) Economic Development and Environment Committee
    - (c) Education, Neighborhoods, Youth, and Seniors Committee**None Filed.**
- (d) Meeting Schedules  
**None Presented.**
- (e) The Public Record  
**No Public Record Filed.**
- (f) Boards, Commissions and Committees  
**None Presented.**
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee  
**None Presented.**
- (h) Administrative Reviews and Approval
  - (1) Request from Council Member Nora Campos to use Council General funds to attend the League of California Cities' Housing Policy Committee meeting in Ontario, CA, March 21, 2002  
**The Committee approved Council Member Campos' request to use Council General funds to attend the League of California Cities' Housing Policy Committee meeting in Ontario, CA, March 21, 2002.**
- (i) Oral Communications  
**None Presented.**
- (j) Adjournment  
**The meeting was adjourned at 2:07 p.m.**

**The Rules Committee Report and actions of March 6, 2002 accepted.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.3 Report of the Finance and Infrastructure Committee – February 27, 2002

**Council Member Dando, Chair**

**(Deferred from 3/12/02 – Item 3.3)**

- (a) Commendation/Recognition for Jessica Batinich  
**Finance and Infrastructure Committee Chair Dando presented Jessica Batinich with a plaque and a clock from the Committee in recognition of Jessica's 21 years of service to the City of San José, and commending Jessica for her efforts in developing and coordinating several programs, policies and financial systems.**

- (b) Consent Items

- (1) January Monthly Report

**The Committee approved the Consent Item.**

- (c) Report on Street Maintenance Alternatives and Needs

**With Committee Chair Dando dissenting, the Committee accepted the report with the recommendation (a) that the City stay with the current pavement methods, (b) that the Department continue with efforts to reduce complaints (including adding an additional sweep within 30 days), and (c) that Staff's recommendation regarding the Utility Trenching be presented to Council.**

**See Item 3.6 for Council action taken.**

- (d) Sales and Business Tax Report for Quarter Ending September 30, 2001

**The Committee accepted the report.**

- (e) Audit of the Rental Dispute Program

**The Committee accepted the report with the request that the Housing Task Force review the Service Request form.**

- (f) Monthly Financial Statement for January 2002

- (g) Capital Cost Report for January 2002

- (h) Cash Flow Projection

- (i) Bond Reserve Fund Investment

**Items 3.3(f) through 3.3(i) referred to Redevelopment Agency Board for consideration.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.3 Report of the Finance and Infrastructure Committee – February 27, 2002 – (Cont'd.)

**Council Member Dando, Chair**

(j) Oral Petitions

(1) **Bob Hines, Director of Government Relations, Tri-County Apartment Association** stated the Association has more than 1,000 members with an interest in the effectiveness of the Rental Dispute Program and recommends the use of a more sophisticated phone system and development of a user-friendly web page; the Association supports public outreach to community-based groups as one of the most effective ways to energize the program; stressed the necessity of greater effort expended toward educating tenants and landlords on applicable rights and existing protections; concurred with the modifications to the Service Request form; and offered the assistance of the Association.

(2) **Jorg Tilson, Executive Director, Manufactured Housing Education,** spoke in support of improvements to the administration of the Mobile Home Program.

(k) Adjournment

The Committee was adjourned at 4:30 p.m.

**The Finance and Infrastructure Committee Report and actions of February 27, 2002 accepted with Council action on Item 3.3(c) taken at Item 3.6.**

#### 3.4 Approval of a Memorandum of Agreement with the International Brotherhood of Electrical Workers, Local No. 332.

**Recommendation:** Adoption of a resolution approving the terms of a Memorandum of Agreement with the International Brotherhood of Electrical Workers, Local No. 332, and authorizing the City Manager to execute the agreement. (City Manager's Office)

**Resolution No. 70877 adopted.**

#### 3.5 Adoption of a resolution in support of SB 307.

**Recommendation:** Adoption of a resolution in support of SB 307, and authorizing the City Manager to make the application for grant funds for the California Japantown Preservation Pilot Project. (Chavez)

(Deferred from 3/12/02 – Item 3.4)

**Resolution No. 70878 adopted.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.6 Presentation and approval of actions related to Street Maintenance Alternatives and Needs.

**Recommendation:** Approval of the report on Street Maintenance Alternatives and Needs.

[Finance and Infrastructure Committee referral 2/27/02 – Item 3.3(c)]

**Council (1) accepted the report on street maintenance alternatives and needs; (2) approved the Finance and Infrastructure Committee recommendation that Staff vigorously pursue the issue of Utility Trenching Repair Impact Fees and contracting maintenance work; (3) directed the Administration to obtain additional information on street sealing programs in other Bay Area and California cities and report back to Council within 30 days; and (4) directed the Administration to return to Council as soon as feasible with additional information on the following issues: (a) changing texture and color of materials used for resurfacing streets; (b) a list of streets currently scheduled for resurfacing, especially those in SNI areas; and (c) include in the review of best practices consideration of mechanisms that would address many of the complaints in the application process.**

### 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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#### 4.1 Report of the Economic Development & Environment Committee – March 4, 2002 Council Member Williams, Chair

- (a) Monthly Status Report on Housing Production Team Action Items
- (b) Monthly Report on Affordable Housing Production  
**The Committee accepted the reports.**
- (c) Request for Deferral of Five-Year Homeless Plan  
**The Committee accepted the deferral of the staff report on the Plan.**
- (d) 2<sup>nd</sup> Quarterly WIA Program Performance Report  
**The Committee accepted the report.**
- (e) Oral Petitions  
**None Presented.**
- (f) Adjournment  
**The meeting was adjourned at 2:27 p.m.**

**The Economic Development & Environment Committee Report and actions of March 4, 2002 accepted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.2 Approval of various actions related to El Paseo Apartments.**

**Recommendation:** Adoption of a resolution authorizing the issuance of tax-exempt variable rate demand multifamily housing revenue bonds in the principal amount not to exceed \$10.0 million, for the construction of a 98-unit rental apartment development to be located at 4960 Hamilton Avenue, and approving a loan of bond proceeds to El Paseo Apartments, L.P., a California limited partnership created by First Community Housing, Inc., for financing the construction of the El Paseo Apartments development including:

- (a) Approving in substantial form the Bonds, Indenture, Loan Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Intercreditor Agreement, Bond Purchase Contract, Official Statement and Remarketing Agreement; authorizing the Director of Finance and Director of Housing to execute and, as appropriate, to negotiate these documents and other related documents as necessary; and
- (b) Approval of an exception to the City's Investment Policy to allow the proceeds of the Bonds to be invested in an investment agreement with an institution with minimum ratings of "Aa/AA" from Moody's and Standard & Poor's and whose participation in the financing will not adversely affect the expected rating on the Bonds, as approved by the Director of Finance.

Council District 1. (Finance/Housing)

**Resolution No. 70879 adopted.**

### **4.3 Approval of various actions related to Betty Anne Gardens Apartment development.**

**Recommendation:** Adoption of a resolution authorizing the issuance of tax-exempt variable rate demand multifamily housing revenue bonds in the principal amount not to exceed \$11.0 million, for the construction of a 76-unit family rental apartment development to be located at 945 and 955 N. King Road, and approving a loan of bond proceeds to Betty Anne Gardens, L.P., a California limited partnership created by First Community Housing, Inc., for financing the construction of the Betty Anne Gardens Apartment development including:

- (a) Approving in substantial form the Bonds, Indenture, Loan Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Intercreditor Agreement, Bond Purchase Contract, Official Statement and Remarketing Agreement; authorizing the Director of Finance and Director of Housing to execute and, as appropriate, to negotiate these documents and other related documents as necessary.
- (b) Approval of an exception to the City's Investment Policy to allow the proceeds of the Bonds to be invested in an investment agreement with an institution with minimum ratings of "Aa/AA" from Moody's and Standard & Poor's and whose participation in the financing will not adversely affect the expected rating on the Bonds, as approved by the Director of Finance.

Council District 4. (Finance/Housing)

**Resolution No. 70880 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.4 Approval of the Proposed Architectural Design for the Metcalf Energy Center.**

**Recommendation:** Approval of the Proposed Architectural Design for the Metcalf Energy Center. CEQA: California Energy Commission Decision No. P800-01-023 dated October 5, 2001 (99-AFC-3). Director of Planning, Building and Code Enforcement recommends approval. Council District 2. (Planning, Building and Code Enforcement)

**This Item Heard in the Evening.**

**Council approved the proposed architectural design for the Metcalf Energy Center with the following conditions: (1) Elimination of the 15-degree canting of the architectural design; (2) recommend that the Metcalf Energy Center Community Advisory Committee work in cooperation with Calpine Corp. to develop and recommend to the California Energy Commission a color scheme based on the studies conducted by the Planning Department and CEC's Compliance Manager's Office; (3) direct Planning Staff to work in coordination with Calpine Corp. to conduct light modeling studies of the Kalwall material that will be utilized for the screening of the Metcalf Energy Center; and (4) direct Planning Staff to work in coordination with Calpine Corp. to conduct noise attenuation modeling in order to ensure compliance with CEC and City noise standards.**

### **4.5 Approval of actions related to the Countrybrook Apartments multifamily housing development.**

**Recommendation:** Adoption of a resolution authorizing the fixed rate remarketing of multifamily housing revenue bonds in the principal amount of \$18,455,000 in connection with the 360 unit Countrybrook Apartments multifamily housing development located at 1895 N. Capitol Avenue, including:

- (a) Approval in substantially final form of the Remarketed Bonds, Remarketing Memorandum and Remarketing Agreement; and
- (b) Authorizing the Director of Finance to execute and, as appropriate, to negotiate these documents and other related documents as necessary.

Council District 4. (Finance)

(Rules Committee referral 3/13/02)

**Resolution No. 70881 adopted.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair No Report.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.2 Approval of various actions related to the Los Lagos Golf Course.**

**Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an Operations and Maintenance Agreement between the City of San José and Los Lagos Golf Course, LLC commencing March 1, 2002, for a fifteen year term with an initial management fee of \$132,000 per year, plus an annual incentive fee.

**Resolution No. 70882 adopted.**

- (b) Adoption of a resolution authorizing cost savings of up to \$411,000 realized under the Grow-in Agreement between the City and San José Golf, LLC from equipment purchases, security funding, and grow-in services completed as set forth in the scope of services under the Agreement, shall be allocated as described in this staff report.

**Resolution No. 70883 adopted.**

- (c) Adoption of a resolution establishing the initial fees for the Los Lagos Golf Course, and delegating authority to the Director of Parks, Recreation and Neighborhood Services to approve clubhouse rental and food and beverage fees for the course opening, to approve reduced rates for groups and/or promotional packages, and to approve fee changes at Los Lagos Golf Course after the first year of operations.

(Parks, Recreation and Neighborhood Services)

(Deferred from 2/26/02 – Item 5.2 and 3/12/02 – Item 5.5)

**Resolution No. 70884 adopted.**

## **6 TRANSPORTATION SERVICES**

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### **6.1 Approval of the February 2002 edition of the Transportation and Parking Management Plan for the Compaq Center at San José.**

**Recommendation:** Adoption of a resolution approving the February 2002 edition of the Transportation and Parking Management Plan for the Compaq Center at San José.

CEQA: Resolution No. 68839, Downtown Strategy Plan SEIR.

Council Districts 3 and 6. (Transportation)

**Resolution No. 70885 adopted.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Approval to award a contract for the East San José Sanitary Sewer Rehabilitation Phase II Project.**

**Recommendation:** Report on bids and award of contract for the East San José Sanitary Sewer Rehabilitation Phase II Project to the low bidder, RGW Construction, Inc., in the amount of \$1,101,884, and approval of a contingency in the amount of \$110,000.  
CEQA: Exempt. Council District 3. SNI: Five Wounds/Brookwood Terrace.  
(Public Works)

**Approved.**

### **7.2 Approval of staff's report regarding the placement of future aboveground cabinets in the Downtown.**

**Recommendation:**

- (a) Approval of the guidelines contained in Attachment I of the report that address the placement of future aboveground cabinets in the Downtown Core.
- (b) Direction to staff to continue working towards developing a strategy and funding recommendation for addressing the existing cabinets that do not meet the above guidelines and report back to Council by April 2002.

CEQA: Resolution No. 68839 (Public Works)

(Deferred from 3/12/02 – Item 7.1)

**Council (a) accepted the report on the placement of above-ground utility cabinets in the Downtown Core area; (b) directed Staff to continue working towards developing a strategy and funding recommendation for addressing the existing cabinets that do not meet the guidelines; and (c) report back to Council by April 16, 2002 with options for finalizing the guidelines.**

## **8 AVIATION SERVICES**

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## **9 PUBLIC SAFETY SERVICES**

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## **10 JOINT COUNCIL/REDEVELOPMENT AGENCY**

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**CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 10.1  
IN A JOINT SESSION**

### **10.1 Public Hearing on the Mayor's Budget Message.**

**Recommendation:** PUBLIC HEARING and adoption of the Mayor's Budget Message for FY 2002-03. (Mayor)

**Deferred to 03/26/02.**

**ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE  
MEETING**



- Closed Session Report

<b>Notice of City Engineer's Pending Decision on Final Maps</b>
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In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:
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Tract	Location	Council District	Developer	Lots/ Units	Type	Proposed Decision
9305	Sands Drive westerly of Canoas Garden Avenue	6	Armax	72 units	Single Family Attached	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

**None.**

- Open Forum

- **Following Open Forum, Council recessed at 4:35 p.m. and reconvened at 7:00 p.m., Council Chambers, City Hall.**

# 11 PUBLIC HEARINGS

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## 11.1 Public Hearing on a street renaming.

**Recommendation:** PUBLIC HEARING ON STREET RENAMING of a proposed frontage road running parallel to the east of State Highway 87, between the northerly line of West Hedding Street and southerly line of Coleman Avenue to Guadalupe Road. CEQA: Exempt. Historical Landmarks Commission and Director of Planning, Building and Code Enforcement recommend renaming to El Pueblo Viejo. Planning Commission recommends renaming to Guadalupe Parkway Frontage Road (7-0-0).

District 3

(Continued from 12/4/01 – Item 11.1 et al., and 2/19/02 – Item 11.1)

**Continued to 04/2/02.**

## 11.2 Public Hearing on appeal of the Planning Commission's decision to approve a conditional use permit amendment.

**Recommendation:** PUBLIC HEARING ON APPEAL of the Planning Commission's decision to approve (with conditions) a Conditional Use Permit Amendment for a project located at the northwest corner of Saratoga Avenue and Moorpark Avenue, on 1.0 gross acre site in the CN Commercial Neighborhood Zoning District, for restoration of approved areas of landscaping that were illegally eliminated from the subject site. (Ray and Dan Perusina, Owners/Developers). CEQA: Exempt. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).

CPA 98-02-015 - District 1

(Continued from 2/19/02 – Item 11.2)

**Resolution No. 70887 adopted.**

**Council (1) denied the Appeal; (2) upheld the Planning Commission's decision to approve (with conditions) the Conditional Use Permit Amendment for the subject project; (3) directed Staff to examine the circulation of the site, widths of driveways and traffic lanes, and radius of the parking lot, upon receipt of revised plans from the Applicant; and (4) directed Staff to work with the Applicant to (a) paint internal striping and place internal stop signs to control traffic in the parking area, and (b) to increase landscaping and vegetation in the parking lot.**

## 11 PUBLIC HEARINGS

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### 11.3 Public Hearing on a single-family house permit at 485 South 15<sup>th</sup> Street.

**Recommendation:** PUBLIC HEARING ON SINGLE-FAMILY HOUSE PERMIT for the property located at 485 South 15<sup>th</sup> Street (Naglee Park Conservation Area), to allow remodeling, first floor addition of approximately 341 square feet and proposed new second story of approximately 1,637 square feet on a 0.2 acre site in the R-1-8 Residence District. (Lorance and Joan Wilson, Owner/Developer). CEQA: Exempt. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).

SF 01-07-045 - District 3

**Resolution No. 70888 adopted.**

**Council approved the proposed single-family house Permit as recommended by the Planning Commission with direction to Staff as contained in Council Member Chavez' memorandum of March 19, 2002, to (1) incorporate additional outreach efforts as part of the "Timeline and Requirements for Conservation Areas" study currently underway by City Planning Staff, and as part of the outreach effort, to identify an "advisory group" to conduct open forums on problematic issues; (2) pursue expansion of Conservation Areas to new districts in cooperation with residents and neighborhood associations as appropriate; (3) amend the Single Family Permit process so that potentially historic structures are evaluated prior to demolition or substantial alteration, and considered in a public, open process; and (4) return to Council with a workplan to address "demolition by neglect" that often occurs in some of the older neighborhoods. In addition, Council directed Staff to consider the opportunities and options, such as the Mills Act, as part of the Conservation Areas to allow owners to take advantage of tax incentives.**

### 11.4 Public Hearing on a single-family house permit at 1186 Magnolia Avenue.

**Recommendation:** PUBLIC HEARING ON SINGLE-FAMILY HOUSE PERMIT for the property located at 1186 Magnolia Avenue, to allow a first and second story addition of 3,294 square feet on an existing single-family residence, resulting in a height of 35 feet on 0.16 gross acre site in the R-2 Residence Zoning District. (Aaron and Karen Luna, Owner/Developer). CEQA: Exempt. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).

SF 01-11-061 - District 6

**Resolution No. 70886 adopted.**

## 11 PUBLIC HEARINGS

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### 11.5 Public Hearing on planned development rezoning at North First, Taylor, Miller, and Asbury Streets.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT

REZONING of the property located on the block bounded by North First, Taylor, Miller, and Asbury Streets, from R-2 Residence and CG Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to 400 attached residential units and 7,000 square feet of commercial uses on 2.8 gross acres. (Barry Swenson Builder, Owner/Developer). CEQA: Negative Declaration.

PDC 00-09-086 - District 3

(Continued 12/4/01 – Item 11.6 et al., and 2/19/02 – Item 11.3)

**Continued to 05/07/02.**

### 11.6 Public Hearing on planned development rezoning at Southwest Expressway and Fruitdale Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT

REZONING of the property located at the southeastern corner Southwest Expressway and Fruitdale Avenue, from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District, to allow the construction of up to a maximum of 250,000 square feet of commercial uses on 1.91 gross acres. (John Vidovich, et al., Owner/Developer). CEQA: Resolution No. 70356. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 01-07-068 - District 6

**Ordinance No. 26586 passed for publication.**

### 11.7 Public Hearing on planned development rezoning at Winchester Boulevard and Loma Verde Drive.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT

REZONING of the property located at the southwest corner of Winchester Boulevard and Loma Verde Drive, from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District, to allow mixed-use development consisting of up to 57 single-family and multi-family attached residential units and approximately 7,700 square feet of commercial retail on 1.1 gross acres. (Russell Mahzoon, Owner/Developer). CEQA: Negative Declaration pending. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 01-05-061 - District 1

**Ordinance No. 26587 passed for publication.**

## 11 PUBLIC HEARINGS

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### 11.8 Public Hearing on planned development rezoning at Owsley and Lucretia Avenues.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the southeast corner of Owsley Avenue and Lucretia Avenue, from R-1-8 Residence District to A(PD) Planned Development Zoning District, to allow up to 15 single-family detached residential units on 1.1 gross acres. (Duke V. Do, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-03-019 - District 7

**Ordinance No. 26588 passed for publication.**

### 11.9 Public Hearing on planned development rezoning at Stevens Creek and South Winchester Boulevards.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Stevens Creek and South Winchester Boulevards (Santana Row), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow an increase from 80,000 square feet to 95,200 square feet for restaurant, bar, and nightclub uses while maintaining the total maximum commercial square footage of 680,000 on 40.79 gross acres. (FRIT San José Town & Country Village, LLC/San José Residential, Inc., Owner/Developer). CEQA: Resolution No. 68210. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDCSH 02-01-005- District 6

**Ordinance No. 26589 passed for publication.**

### 11.10 Public Hearing on conforming rezoning at East Taylor Street and 23<sup>rd</sup> Street.

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING of the property located north of East Taylor Street on the southeast side of 23<sup>rd</sup> Street, from R-1-8 Residence Zoning District to R-M Residence Zoning District, to allow multi-family residential uses on 0.69 gross acres. (John Licking, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.

C 02-01-006 - District 3

**Continued to 04/16/02.**

- **Open Forum**

- (1) **Katy Dwyer spoke on the construction of power poles on private property, and requested a status on the request submitted to the City Clerk to address the City Council. Speaker to contact District 6 Office.**
- (2) **Richard Cuevas spoke on the possibility of damage to a Black Walnut with the installation of a power pole on private property without written or verbal consent given by the property owners. Speaker to contact Council Member Yeager's Office.**
- (3) **Gregory Nichols commented on illegally parked police cars.**

- **Adjournment**

**The Council of the City of San José adjourned at 9:45 p.m. in memory of Georgia Travis, long-time community activist for the homeless.**